

2153



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Attorney Docket No. 555255012189

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Group Art Unit: 2153)
Examiner: Edelman, B.)
Inventor: Lazaridis, et al.)
Serial No.: 09/782,107)
Filed: February 13, 2001)
For: System and Method for Pushing)
Information from a Host System to a)
Mobile Data Communication Device)

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DISCLOSURE UNDER
37 CFR 1.105

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on August 16, 2002.

By Alicia L. Sefair

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This paper responds to the request for information under 37 CFR 1.105 dated
June 18, 2002.

DISCLOSURE

In the request dated June 18, 2002, the Patent Office requested information under 37 CFR 1.105 related to the Petition to Make Special Because of Actual Infringement filed in this case. In particular the Patent Office requested two categories of information: (a) evidence, literature, and/or any other relevant material relating to the infringing device and method known by applicant to be actually on the market; and (b) a description and/or evidence that rigidly compares the alleged infringing device and method with the claims of the present patent application, as declared by applicant.

(a) Evidence of Infringement

Attached to this Disclosure at Tabs A is evidence, literature and other relevant material related to infringing products and methods that were on the market when the petition to make special was filed. Tabs B and C provide evidence, literature and other relevant material related to infringing products and methods that may not have been on the market when the petition to make special was filed, but which are currently on the market and therefore are deemed to be relevant to the request for information. Tab B sets forth evidence regarding a system and method from Wireless Knowledge and Tab C sets forth evidence regarding a system and method from Good Technology. Both of these systems and methods infringe at least some of the claims of the present application. In fact, in many respects, both of these systems are designed to imitate the operation of the system described in the present application so as to work with wireless devices available from the assignee of the present application.

Tab A sets forth evidence regarding a suite of products referred to as

NOTIFYLINK, including a brief description of various versions of the NOTIFYLINK product, including a desktop version and a networked version, and documentation and detailed information regarding the Notifylink products. All of these versions provide for an end-to-end secure link between a host system (such as a desktop computer) and a wireless mobile data communication device.

(b) Comparison of Claim to Infringing Methods

Claim 4 of the present application, for example, recites a method of securely exchanging messages between a host system and a wireless mobile data communication device via a wireless network, comprising the steps of: (A) providing a wireless gateway for coupling the host system and the wireless mobile data communication device; (B) establishing an end-to-end, bi-directional secure link between the host system and the wireless mobile data communication device through the wireless gateway; and (C) exchanging messages between the host system and the wireless mobile data communication device via the secure link

(i) NOTIFYLINK - The NOTIFYLINK product is described as follows in the documents attached at Tab B:

"Notifylink is a family of software products that will provide users with wireless access to their email, calendar, contacts, tasks, and files while using a variety of wireless devices."

" Designed to work with both corporate and personal Email systems, Notifylink Desktop enables you to compose, read, reply to, and forward Email messages using your wireless device. Notifylink Desktop allows

you to react quickly without the need for a bulky laptop computer to access your Email."

"Messages are sent from your PC with the FROM address as the desktop Email address. This eliminates the confusion of separate PC and mobile Email addresses. Using a single Email address, you can receive Email messages both in your desktop mailbox and on your wireless device."

"An advantage NotifyLink Desktop has over other wireless Email applications is that it provides you with the option to keep a copy of the messages sent to and from your wireless device (the copy is saved on your PC). Handling attachments is also a snap. NotifyLink Desktop will advise you of the name of any attached files when you receive in an Email message."

"No need for both office and remote email addresses."

"With NotifyLink Desktop, you can send and receive email messages using your office email address whether you are using email in the office or from your wireless two-way messaging device."

"With NotifyLink Desktop, all email messages that are sent from your wireless device will use your normal business or personal email address."

"The operation of NotifyLink Standard is illustrated in Figure 1...Email arrives at the Email Server (1). The Notifylink Standard application receives notification of the email (2). Notifylink Standard processes the message and sends it to the ReFLEX network via the Internet (3). The network sends the message to your wireless device (4)."

"Notifylink Enterprise Edition offers the corporate user with a virtual real-time wireless connection to their corporate desktop based critical data: email, calendar, contacts, tasks, files."

"Notifylink will support all POP3 and IMAP web-based email applications as well as AOL. Your email server must be unencrypted and not reside behind a firewall."

"Designed to work with your corporate and personal Email systems..."

"If your company's Exchange Server goes down, you must follow the same steps that you would for your email software."

Figure 1 of the Desktop Edition shows the Email Server (1) connecting through a corporate firewall to the Internet and then using SMTP to a computer in the wireless network in order to exchange email. MAPI is used between the email server and the desktop system.

"Supports secure, end-to-end, encryption. . ."

In the NotifyLink Desktop User's Guide, Figure 1 shows a configuration of the system, which, as noted above, supports secure, end-to-end, encryption, in which a host system (which could be a desktop computer system) is coupled to an email server and then through a firewall to the Internet, and then using an SMTP connection to a computer (gateway) in the wireless network, which then broadcasts messages to the wireless devices.

These descriptions, as well as the more detailed description of the operation of the NOTIFYLINK program set forth in the documents at Tab B show that the NOTIFYLINK product infringes at least claims 3, 4, and 30 of the present application, as well as many other claims.

Respectfully submitted,

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